

Message Text

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ORIGIN NEA-10

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOT-00 EB-07 INR-07 NSAE-00 FAA-00 PM-04 NSC-05

SP-02 SS-15 L-03 MC-02 ACDA-05 NRC-05 /080 R

DRAFTED BY NEA/ARP:PDMOLINEAUX/FAA:LJETT:AFJ

APPROVED BY NEA/ARP:FMDICKMAN

EB/AVP:JKGORDON

DOD/ISA:GSICK (INFO)

PM/SAS:DKEENE (INFO)

NEA/RA:RHOBBS (INFO)

----- 033797

R 172341Z OCT 75

FM SECSTATE WASHDC

TO AMEMBASSY LONDON

AMEMBASSY MUSCAT

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E.O. 11652: N/A

TAGS: EAIR, MASS, MARR, MU, US

SUBJECT: M-203 SHIPMENT

REF: A) USDAO LONDON 101820Z OCT 75; B) STATE 243267

LONDON FOR KINSOLVING

1. ALTHOUGH POSSIBILITY OF CIVILIAN TRANSPORT OF M-203'S TO OMAN HAS BEEN RENDERED MOOT BY DECISION TO ARRANGE MILITARY FLIGHT (SEPTELS), WE BELIEVE IT MAY BE USEFUL FOR EMBASSIES LONDON AND MUSCAT TO BE AWARE OF FAA VIEWS OF SECOND LEASE AGREEMENT ATTEMPTED BY CLARK AIR AND AIR CARGO SUPPORT CO. FAA WASHINGTON REPORT BASED ON FAA ATLANTA REPORT OF OCT 15 FOLLOWS IN PARAS. 2-3 BELOW. FAA
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WASHINGTON HAS ALSO RESPONDED DIRECTLY TO QUERY BY

FORRESTER OF CLARK AIR ALONG SAME LINES.

2. AS INDICATED PARA 2 REF B, FAA SOUTHERN REGION ATLANTA HAS REVIEWED LANGUAGE ON AIRCRAFT LEASE AGREEMENT CONTAINED REF A AND PROVIDED FOLLOWING COMMENTS:

A) LEAD-IN PROVISIONS INDICATE THAT: 1) KENDALL HAS DESIGNATED CLARK AIR AS ITS AGENT. CLARK AIR HAS

DESIGNATED FORRESTER-PATTON AS ITS AGENT. 2) SOMEONE - NOT CLEAR WHO - HAS LEASED AIRCRAFT FROM AIR CARGO. RON JOHNSON HAS SIGNED FOR AIR CARGO.

B) LEASE PROVISIONS INDICATE THAT: 1) LEAD-IN SENTENCE SHOWS THAT AIR CARGO IS BOTH LESSOR AND LESSEE. 2) PARA 1 INDICATES THAT AIR CARGO OWNS AIRCRAFT BUT FAA RECORDS SHOW THAT R.B. BERSTRESSER OWNS N1007C. 3) PARA XIII-2 INDICATES LESSEE IS RESPONSIBLE FOR OPERATIONAL CONTROL. LESSEE IS DESIGNATED IN LEASE AS AIR CARGO BUT LESSEE SIGNING AT BOTTOM IS FORRESTER-PATON ON BEHALF OF OMAN.

C) LATEST LEASE AGREEMENT DOES NOT MEET REQUIREMENTS OF FAA REGULATIONS 91.54. AGREEMENT SHOWS THAT LESSOR AND LESSEE ARE SAME INDIVIDUAL. ALSO, PERSONS NAMED IN AGREEMENT AS LESSOR AND LESSEE ARE NOT SHOWN TO BE CORPORATION OFFICERS.

3. FAA SOUTHERN REGION OVERALL VIEW IS THAT LEASE APPEARS TO INVOLVE TRANSPORTATION FOR COMPENSATION OR HIRE REQUIRING AIR CARGO SUPPORT INC. TO POSSESS A COMMERCIAL OPERATOR CERTIFICATE ISSUED BY FAA UNDER FAR 121. AS AIR CARGO SUPPORT INC. IS NOT CERTIFICATED BY FAA, PROPOSED OPERATION DOES NOT APPEAR TO BE IN COMPLIANCE WITH APPLICABLE FARs. INGERSOLL

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To: LONDON MUSCAT
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